IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8347 of 1995

Between:

Jolapuram Kurva Ramana S/o.Late Govindappa
R/o.Malagavalli (vil) Aloor Mandal
Kurnool Dist.

..... PETITIONER

AND

1 The Addl.Revenue Divisional Officer (Land Reforms)
Kurnool.
2 The Mandal Revenue Officer
Aloor (Mandal) Kurnool Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 1st respondent and issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not disposing of the application filed by the petitioner before him in August 1993 till this day and in trying to take possession of the petitioner's lands in Sy.No.327 to the extent of situated molavalli village of Alur Mandal, Kurnool dist. of Acs.4-15 cents, as illegal, arbitrary, unjust, contrary to law and in violation of principles of natural justice.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: GP FOR LAND CEILING

The Court made the following :

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ORDER:

Heard both sides.

The petitioner herein filed this Writ Petition, inter alia, seeking for a direction to the 2nd respondent herein to consider the application filed by the petitioner in August, 1993 and meanwhile not to dispossess him.

The case of the petitioner is that in pursuance of the ultimate decision taken in the land ceiling proceedings in terms of the declaration filed by him, the respondents sought to take possession of the alleged excess land, therefore he filed an application under the Rule 16 of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974, raising certain objections in regard to the taking surrender of Sy.No.327 to an extent of Ac.4.15 cents, that apart the petitioner is also raised several other objections. Though the respondent No.1 issued a notice on 20-08-1993 for enquiry on 28-08-1993, but nothing has happened on that day, though the petitioner was present. Subsequently, there was no fresh notice nor any enquiry, yet the respondents have come to the village and sought to take possession of the said land. Hence, the Writ Petition.

Having considered the submissions made and on perusal of the material, it is seen that the only grievance of the petitioner is against the non-consideration of the application filed by him under Rule 16 of the said rules raising certain objections. Though an enquiry was fixed on particular date, but according to the petitioner no orders have been passed, nor any enquiry held and thus his case has remained unconsidered.

In view of the above, it is not necessary to go into the merits of the case, it would suffice in the interest of justice to direct the respondents herein to dispose of the said application within a period of one month after giving notice and opportunity to the petitioner and pass orders in accordance with law.

The Writ Petition is, accordingly, disposed of. No costs.

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B.PRAKASH RAO, J.

Dated 23-09-2004.

SKMR

To

1 The Addl.Revenue Divisional Officer (Land Reforms)
Kurnool.
2 The Mandal Revenue Officer
Aloor (Mandal) Kurnool Dist

3. 2CCs to G.P. for Land Ceiling, High Court Buildings, High Court of

A.P. (OUT).

4. 2CD copies